

**CLOSED**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**United States of America**

**v.**

**Jose Antonio Molina-Molina**

Citizen of Mexico

USM#: 74871-208

DOB: 1960

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed on or After November 1, 1987)

**No. 08-15352-001M-SD**

Lorna Spencer (AFPD)  
Attorney for Defendant

ICE#: A72 313 880

**THE DEFENDANT ENTERED A PLEA OF** guilty on 2/29/2008 to Count TWO of the Complaint.

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

**IT IS THE JUDGMENT OF THE COURT THAT** the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED TWENTY (120) DAYS on Count TWO, with credit for time served.

**IT IS FURTHER ORDERED** that all remaining counts are dismissed on motion of the United States.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT:** \$Remitted

**FINE:** \$

**RESTITUTION:** \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

**IT IS FURTHER ORDERED** that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

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USA vs. Jose Antonio Molina-Molina

Date of Imposition of Sentence: **Friday, February 29, 2008**

Date 2/29/2008

JAY R. IRWIN, United States Magistrate Judge

**RETURN**

I have executed this Judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

By: \_\_\_\_\_

United States Marshal  
08-15352-001M-SD -

Deputy Marshal

DATE: 2/29/2008 CASE NUMBER: 08-15352-001M-SD

**PLEA/SENTENCING MINUTES**

USA vs. Jose Antonio Molina-Molina

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney \_\_\_\_\_ INTERPRETER REQ'D Marcia Resler  
LANGUAGE: Spanish

Attorney for Defendant Matthew Johnson (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 2/28/2008 ☒ Complaint Filed ☒ Appointment of counsel hearing held  
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed  
☒ Initial Appearance

**DETENTION HEARING:** ☐ Held ☐ Cont'd ☐ Reset ☐ UA

Set for: before:

☐ Defendant ordered temporarily detained in the custody of the United States Marshal  
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ \_\_\_\_\_  
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

**PLEA HEARING:** ☒ Held ☐ Cont'd ☐ Reset

Set for: before:

☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd  
☐ Consent of Defendant ☐ Information filed \_\_\_\_\_ ☐ Complaint filed \_\_\_\_\_  
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts TWO  
☐ Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED in defendant's true name.  
☒ Plea of Guilty entered as to Ct(s) TWO of the ☐ Information ☐ Indictment ☒ Complaint  
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.  
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed  
☐ Court does not accept defendant's plea of guilty because \_\_\_\_\_  
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence  
☐ Continued for sentence to \_\_\_\_ before \_\_\_\_\_  
☐ To be dismissed upon entry of the judgment, Ct(s) \_\_\_\_  
☒ ORDER vacate trial date/motion hearing/mtns moot  
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

**SENTENCING:**

☒ Defendant committed to Bureau of Prisons for a period of 120 days ☐ Probation/Supervised Release for \_\_\_\_\_  
☒ Special Assessment \$ REMITTED ☐ Fine \$ \_\_\_\_\_ ☐ Restitution \$ \_\_\_\_\_

Other: \_\_\_\_\_

RECORDED: CS

BY: Angela J. Tuohy, Deputy Clerk

# United States District Court

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Jose Antonio MOLINA-Molina

Citizen of Mexico

YOB: 1960

A72 313 880

Illegal Alien

### CRIMINAL COMPLAINT

CASE NUMBER: 08-15352M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

#### COUNT I

That on or about February 8, 2005, Defendant Jose Antonio MOLINA-Molina was arrested and removed from the United States to Mexico through the port of Nogales, Arizona, in pursuance of law, and thereafter on or about February 28, 2008, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

#### COUNT II

That on or about February 28, 2008, within the Southern District of California, Defendant Jose Antonio MOLINA-Molina, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

February 29, 2008

at

Yuma, Arizona

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

Signature of Complainant

Alfredo Prieto

Senior Patrol Agent

## STATEMENT OF FACTUAL BASIS

Defendant: Jose Antonio MOLINA-Molina

Dependents: 3 Mexican

**IMMIGRATION HISTORY:** The Defendant was last removed through Nogales, Arizona on February 8, 2005. The Defendant has six Border Patrol arrests.

**CRIMINAL HISTORY:**

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
8/20/96 Los Angeles, CA	Threaten crime w/intent to terrorize, batt on noncohab former spouse/etc	36 months prob, 90 days jail
7/25/80 San Bernardino, CA	Battery on person, batt on noncohab former spouse/etc	Unknown
5/23/99 Yuma, AZ	Trespassing	30 days jail, 1 Year prob
8/7/99 Yuma, AZ	Simple assault	Court dismissal
11/26/01 Tempe, AZ	Shoplifting removal of goods	1 day jail
5/26/03 Phoenix, AZ	Theft-control property	1 day jail
2/3/04 Phoenix, AZ	Shoplifting-removal of goods	1 day jail
2/7/04 Phoenix, AZ	Burglary tools poss	6 months jail, 2 years prob
2/26/06 Phoenix, AZ	Threat-intim w/inj-dmge prop	Unknown
7/21/07 Phoenix, AZ	Crim tresp 3 <sup>rd</sup> deg/property	Unknown
1/1/08 Phoenix, AZ	Criminal trespass 3 <sup>rd</sup> degree	1 day jail

**Narrative:** The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.


**The Defendant is being presented for prosecution proceedings under "Operation Streamline." The Defendant entered the United States from Mexico through a designated "zero tolerance zone."**

The Defendant last entered the United States illegally without inspection near Andrade, California on February 28, 2008.

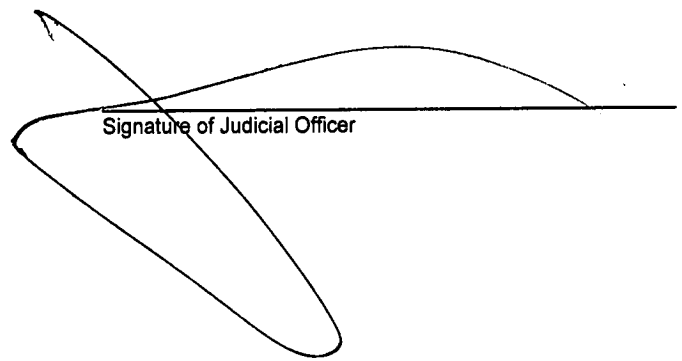
Charges: 8 USC§1326 (Felony)  
8 USC§1325 (Misdemeanor)

  
\_\_\_\_\_  
Signature of Complainant

Sworn to before me and subscribed in my presence,

 February 29, 2008

Date

  
Signature of Judicial Officer